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Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 02-266
Table of Allotments,) RM-10557
FM Broadcast Stations)
(Chillicothe, Dublin, Hillsboro and)
Marion, Ohio))

To: Office of the Secretary
Attn: Media Bureau

REPLY TO OPPOSITION TO SUPPLEMENT

Citicasters Licenses, L.P. licensee of Station WMRN-FM, Marion, Ohio, and CC Licenses, LLC, licensee of Station WSRW-FM, Hillsboro, Ohio¹ (collectively, "Clear Channel"), by their counsel, hereby reply to the "Opposition to Supplement" filed on November 17, 2005 by The Committee for Competitive Columbus Radio (the "Committee") in this proceeding.

Clear Channel, in its November 8, 2005 Supplement, informed the Commission that it had consummated the sale of Station WQIO(FM), Mt. Vernon, Ohio. This was not a substantive pleading. Yet, The Committee's Opposition believes this is an opportunity to repeat its previous position that Clear Channel is in violation of the Commission's multiple ownership rules. This issue has already been fully addressed in prior pleadings filed in this proceeding.

¹ On September 28, 2005, the Commission approved the pro forma transfer of WSRW-FM from Clear Channel Broadcasting Licenses, Inc. to CC Licenses, LLC. See BALH-20050915ARA.

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Specifically, as Clear Channel observed in its prior pleadings, there is no need to wait for BIA to “expand” the Columbus market to add WMRN-FM; rather, as a station licensed to a community within the established Arbitron Metro boundaries, it is, by definition, part of that Metro market.² The Commission specifically excluded from the two-year waiting period those stations whose communities of license are located within the Metro.³

Clear Channel has already addressed in its pleadings the logical inconsistency of the position of The Committee. As Clear Channel previously noted, the Committee argues (and re-argues) that WMRN-FM cannot be counted as part of the Columbus Metro market for purposes of the “denominator” (the size of the market) unless and until BIA formally designates it as part of that market and two years has passed. Yet, inconsistently, the Committee insists that WMRN-FM be counted right now as one of Clear Channel’s stations in the market, that is, as counted in the “numerator.” Avoiding the “numerator-denominator inconsistency” was one of the significant goals of the Commission in the Ownership Order.⁴ Now, The Committee wants to skew the equation in the opposite direction and count stations owned by a party in an Arbitron market *in the numerator* but, *not in the denominator*.

² See 2002 Biennial Regulatory Review - Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, 18 FCC Rcd 13620, 13,727 [280] (2003) (“Ownership Order”), *aff'd in part and remanded in part, Prometheus Radio Project, et al. v. F.C.C.*, 373 F.3d 372 (2004), *stay modified on rehearing*, No. 03-3388 (3d Cir. Sept. 3, 2004), *cert. denied*, 73 U.S.L.W. 3466 (U.S. June 13, 2005) (Nos. 04-1020, 04-1033, 04-1036, 04-1045, 04-1168 and 04-1177).

³ *Ownership Order*, 18 FCC Rcd at 13,726 [278] (“We also will not allow a party to receive the benefit of the inclusion of a radio station as “home” to a Metro unless such station’s community of license is located within the Metro or such station has been considered home to that Metro for at least two years”) (emphasis added).

⁴ See *id.* at 13,718 [253-55].

Clear Channel urges prompt resolution of this matter and requests that the Opposition be dismissed or denied and that the Bureau promptly act on the Petition for Reconsideration in this proceeding.

Respectfully submitted,

CITICASTERS LICENSES, L.P.

CC LICENSES, LLC

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December 1, 2005

CERTIFICATE OF SERVICE

I, Diana Gonzales, in the law firm of Vinson & Elkins, do hereby certify that I have on this 1st day of December, 2005, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Supplement**" to the following:

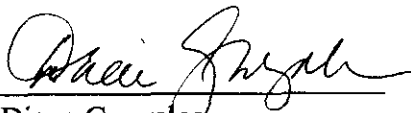
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